

**REMARKS**

The Office Action dated October 4, 2006 has been received and carefully considered. Claims 1-27 are pending in the application. Claims 1, 6, 9, 13, 21, 25, 26, and 27 have been amended. No new matter has been added by the above amendments to the claims. Applicants believe that the application is in condition for allowance and notice thereof is respectfully requested.

**I. Pending Rejections**

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-7, 9-12, 13-19, and 21-27 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,774,650 to Chapman et al. (“Chapman”).

Claims 8 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chapman in view of U.S. Patent No. 6,289,378 to Meyer et al. (“Meyer”).

**A. Claim 6 is Not Indefinite Under 35 U.S.C. § 112, Second Paragraph**

Applicants respectfully submit amended claim 6, reflected in the “Amendments to the Claims” section of this response, above. The amendment changes claim 6 to depend from claim 4, instead of claim 1. Applicants respectfully assert that no new matter has been added by the amendment to claim 6, and respectfully requests that the amendment be entered. The amendment moots the Office Action’s assertion that the phrase “the remote user device” lacks antecedent basis, as the term is defined in claim 4. Therefore Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. § 112, second paragraph be withdrawn.

**B. The Pending Claims Are Not Anticipated by United States Patent No. 5,774,650 to Chapman et al.**

Claims 1-7, 9-12, 13-19, and 21-27 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,774,650 to Chapman et al. (“Chapman”). Applicants respectfully traverse the rejection and request reconsideration thereof for reasons set forth below.

“A claim is anticipated **only if each and every element as set forth in the claim is** found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).” Manual of Patent Examining Procedure 8th ed., rev. 5 (hereinafter “M.P.E.P.”) § 2131 (2006) (emphasis added).

Chapman does not anticipate claims 1-7, 9-12, 13-19, and 21-27 because Chapman fails to disclose each and every element set forth in those claims. Moreover, independent claims 1, 9, 13, 21, 25, 26, and 27 have been amended to further differentiate the claims over Chapman. Chapman is directed to a method for controlling access to a network system. The system and method may “restrict[] user access to the data processing system. . . .” Chapman Abstract. It also may include functionality for “temporarily preventing access to the system by a normally authorized user or users.” Chapman Abstract. The Chapman application appears to be directed to enabling “a privileged user, such as a system owner, to control user access to the system, so that he can restrict access as and when required.” Chapman, col. 2, ll. 38-40. Chapman appears to accomplish this task by invoking an access control program with parameters and arguments, making a copy of the original system-wide profile, making a definition of temporarily authorized

or unauthorized users, modifying the profile according to the authorized or unauthorized users, and removing unauthorized users. See Chapman, Figure 4 and col. 6, ll. 21-65. The original profile could be restored at a later time. Chapman, col. 7, ll. 33-48. The Chapman patent does not appear to disclose temporarily assigning higher access to a remote user to allow the remote user to execute one or more programs on the end user's computer.

In contrast, the method of claim 1 recites, in pertinent part, "assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device. . ." Chapman does not disclose "assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device. . ." Amended claim 1 also recites "launching the administrative tool according to the elevated access right while the end user identifier retains the limited access right to the end user device. . .," which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn. Claims 2-7 depend from allowable independent claim 1 and are therefore allowable themselves for at least that reason.

The method of claim 9 recites, in pertinent part, "generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote user identifier according to the elevated access right. . ." Chapman does not disclose "generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote user identifier according to

the elevated access right. . . .” Amended claim 9 also recites “launching the administrative tool using the elevated access layer while the end user identifier retains the limited access right to the end user device. . . ,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 102(b) be withdrawn. Claims 10-12 depend from allowable independent claim 9 and are therefore allowable themselves for at least that reason.

The system of claim 13 recites, in pertinent part, “a network directory operable to assign an elevated access right to a remote user identifier and a limited access right to an end user identifier.” Chapman does not disclose “a network directory operable to assign an elevated access right to a remote user identifier and a limited access right to an end user identifier.” Amended claim 13 also recites a system capable to “launch the administrative tool according to the elevated access right while the end user identifier retains the limited access right to the end user device, the limited access right operable to prevent access to the utility at an end user device. . . ,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 13 under 35 U.S.C. § 102(b) be withdrawn. Claims 14-19 depend from allowable independent claim 13 and are therefore allowable themselves for at least that reason.

The system of claim 21 recites, in pertinent part, a system operable to “generate an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote user identifier according to the elevated access right. . . .” Chapman does not disclose “generate an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote

user identifier according to the elevated access right. . . .” Amended claim 21 also recites a system capable to “launch the administrative tool using the elevated access layer while the end user identifier retains the limited access right to the end user device. . . ,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 21 under 35 U.S.C. § 102(b) be withdrawn. Claims 22-24 depend from allowable independent claim 21 and are therefore allowable themselves for at least that reason.

The system of claim 25 recites, in pertinent part, “means for assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device. . . .” Chapman does not disclose “means for assigning an elevated access right to a remote user identifier and a limited access right to an end user identifier, the limited access right operable to prevent access to the utility at the end user device. . . .” Amended claim 25 also recites “means for launching the administrative tool according to the elevated access right while the end user identifier retains the limited access right to the end user device. . . ,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 25 under 35 U.S.C. § 102(b) be withdrawn.

The system of claim 26 recites, in pertinent part, “means for generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at then end user device; and elevate the access right of the remote user identifier according to the elevated access right. . . .” Chapman does not disclose “means for generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at then end user device; and elevate the access right of

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the remote user identifier according to the elevated access right. . . .” Amended claim 26 also recites “means for launching the administrative tool using the elevated access layer while the end user identifier retains the limited access right to the end user device. . . .,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 26 under 35 U.S.C. § 102(b) be withdrawn.

The method of claim 27 recites, in pertinent part, “generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote user identifier according to the elevated access right. . . .” Chapman does not disclose “generating an elevated access layer using the elevated access right, the elevated access layer operable to: initiate an administrative tool at the end user device; and elevate the access right of the remote user identifier according to the elevated access right. . . .” Amended claim 27 also recites “launching the administrative tool using the elevated access layer while the end user identifier retains the limited access right to the end user device. . . .,” which is not present in Chapman. Accordingly, Applicants respectfully request that the rejection of claim 27 under 35 U.S.C. § 102(b) be withdrawn.

In view of the foregoing arguments, Applicants respectfully submit that claims 1-7, 9-12, 13-19, and 21-27 are not anticipated by Chapman, as every element set forth in the claims cannot be found in Chapman. Accordingly, Applicants respectfully request that the rejection of claims 1-7, 9-12, 13-19, and 21-27 under 35 U.S.C. § 102(b) be withdrawn, and that these claims be allowed.

**C. The Pending Claims Are Not Obvious by Chapman in View of Meyer.**

The Office Action rejects dependent claims 8 and 20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chapman in view of U.S. Patent No. 6,289,378 to Meyer et al. (“Meyer”). “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” M.P.E.P. § 2143.03. Claim 8 depends from independent Claim 1, and Claim 20 depends from independent Claim 13. The Office Action rejected independent claims 1 and 13 under 35 U.S.C. § 102(b). The Office Action did not reject independent claims 1 and 13 under 35 U.S.C. § 103. Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection to claims 1 and 13 should be withdrawn and are allowable as shown above. The rejection of dependent claims 8 and 20 under 35 U.S.C. § 103 with regard to the Chapman patent in view of the Meyer patent should also be withdrawn.

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### **CONCLUSION**

An indication of allowance of all claims is earnestly solicited. Early notification of a favorable consideration is respectfully requested. It is believed only a fee in the amount of \$120.00 for a one month extension of time is required with this response. However, the Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

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By:

  
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